

and one labor of land," and inserting "pension of one hundred dollars per annum for life."

On motion of Mr. Gage,

The bill and amendments were laid upon the table.

Leave of absence was granted to Mr. Burleson for the balance of the session.

On motion of Mr. Brashear, the Senate adjourned.

Wednesday, 9 o'clock, a. m.

March 15th, 1848.

The Senate was called to order by the President.

The following Senators answered to their names:

Messrs. Abbott, Bourland, Brashear, Clark, Cuny, Dancy Gage, Grimes, Jewett, Fitzgerald, McRae, Navarro, Parker, Perkins and Wallace.

Quorum present.

The journal of the preceding day was read and adopted.

Mr. Clark, Chairman of the committee on the Judiciary, made the following report.

The Judiciary committee have had under consideration "an act to secure to the colonists of Fisher and Miller's colony, the lands to which they may be entitled," and a majority of said committee have instructed me to return said bill to the Senate with a substitute for the same, the adoption of which they recommend.

The majority of the committee are inclined to give those who emigrated to Texas under the contract made between Fisher and Miller and the President of the late Republic of Texas, the lands promised them by the terms of said contract and the conditions of the ordinance passed by the convention in relation to colonization contracts, A. D. 1845. They have endeavored

vored to incorporate into the substitute sufficient checks and guards, and they do not think that any injury can result to the State from it, should it be the pleasure of the Legislature to pass it.

EDWARD CLARK,
Chairman.

—

Mr. Dancy, Chairman of the committee on State Affairs made the following report:

The committee on Affairs of State to whom was referred "A bill to be entitled an act regulating marks and brands," have examined the same and instructed me to report the bill to the Senate, with the following amendment.

Strike out the fifth section; and recommend the adoption of the amendment and the passage of the bill as amended.

—

Mr. Dancy also made the following report.

The committee on Affairs of State, to whom was referred "a bill to be entitled an act for the benefit of persons who settled in W. S. Peters and his associate's colony," have instructed me to report the bill to the Senate with the following amendments.

Amendment first.

Change the words "W. S. Peters and his associate's Colony" in the caption so as to read thus. "The colony of W. S. Peters and his associates."

Amendment second.

In Sec. 3d add to the first line the words "or certificates."

And in line 3d, of same section, strike out the words "the said certificate or certificates."

And in line 9, same section before the words "land office" insert the words Commissioner of the General."

Amendment third.

In sec. 7, strike out the lines 5, 6 and 7 and insert in lieu thereof the words "equally divided between the District Clerk and the District Attorney who shall defend the case, and it is hereby made the duty of the District Attorneys to attend to all cases on the part of the State, which may be brought in their respective districts, under the provisions of this act," and recommend the adoption of the amendments and the passage of the bill as amended.

JON W. DANCY,
Chairman.

Mr. Parker, Chairman of the committee on claims and Accounts made the following report.

The committee on Claims and Accounts to which was referred "A bill to provide for the ascertainment and adjustment of the liabilities of the late Republic of Texas, have examined the same and instructed me to report the bill back to the Senate for its action, recommending the adoption of the following amendment.

Add at the end of the 5th section "provided, that in all cases, the expenses of surveying and patenting of lands taken by virtue of this act shall be paid by the owner."

Mr. Grimes, Chairman of the committee on Finance made the following reports.

The committee on Finance to which was referred a bill to be entitled an act to classify the debt of the late Republic of Texas, preparatory to its final redemption, ask leave to return the bill for the decision of the Senate.

Your committee have not had time to give the subject the consideration its importance demands, and being desirous that something should be done preparatory to the adjustment of the public debt they recommend it to the favorable consideration of the Senate.

Mr. Grimes, Chairman of the committee on Finance, to which was referred,

A Joint Resolution appropriating one hundred dollars for the purpose of procuring a map of Shelby county, returned the same back to the Senate for their action.

--

Mr. Bourland, Chairman of the committee on Public Lands to whom was referred,

"An act for the relief of Micheal Short, returned the same back to the Senate and recommended its passage.

—

Mr. Abbott, Chairman of the committee on Enrolled Bills, reported as correctly enrolled,

An act to provide for the election of Electors for President and Vice President of the United States, and that said act was transmitted to the Governor on this day, for his approval.

A message was received from the House of Representatives, informing the Senate, that the House had passed the following bills and Joint Resolution which originated in the Senate—
—viz:

A bill to be entitled an act to authorize John H. Reagan and his associates to open and construct a turn pike road from the town of Buffalo on the Trinity river across the bottom to the high land on the west side in the direction of the town of Corsicana.

And Joint Resolution for the relief of Alfred Johnson.

Also, that the House had passed a bill to be entitled an act to provide for permanently fixing the seat of Justice of the county of Dallas, with an amendment.

And that the House refused to concur in the amendment of the Senate to a bill to be entitled an act to establish the county seat of the county of Cameron.

Also that the House had passed the following bills, viz:

A bill to be entitled an act making appropriations for the support of the Government for the years 1848 and 1849.

And a bill to be entitled an act for the relief of Seth Marvin.

The Senate proceeded to the orders of the day.

On motion of Mr. Perkins,

Joint Resolution for the relief of Theodore D. Maltby, was taken up.

The amendment offered by Mr. Wallace, proposing to strike out "one league and one labor of land" and to insert "pension of one hundred dollars per annum, for life.

Was rejected.

The bill then passed to a third reading.

A message was received from His Excellency, the Governor, presenting a communication in writing.

Which was read, and

On motion of Mr. Gage, made the special order of the day for to-morrow.

On motion of Mr. Gage;

Joint Resolution for the relief of the heirs of Mark Noble, deceased, was taken up and read, and passed to a third reading.

On motion of Mr. Gage,

The rule was suspended, read third time and passed.

A bill to be entitled an act supplementary to an act entitled an act to establish the Judicial Districts of the District Courts:

Read second time, and

On motion of Mr. Parker, referred to the committee on the Judiciary.

A bill to be entitled an act to provide for the assesment and collection of Taxes.

Was read.

Mr. Grimes moved to reconsider the vote of yesterday adopting an amendment to the 17th section.

Upon which the yeas and nays were called—and stood thus.

YEAS—Messrs. Abbott, Bourland, Burleson, Clark, Dancy, Gage, Grimes, and Fitzgerald,—8.

NAYS—Messrs. Cuny, McRae, Navarro, Parker, Perkins and Wallace—6.

So the vote was reconsidered.

Mr. Perkins moved a call of the Senate.

On motion of Mr. Gage,

The call was suspended.

On motion of Mr. Wallace,

The bill was made the special order of the day for to-morrow.

Joint Resolution instructing our Senators and requesting our Representatives in Congress to use their efforts to have a law passed to extend the Jurisdiction of Texas over one half of the water of Sabine pass, Lake and River.

Read second time and passed to a third reading.

On motion of Mr. Clark the rule was suspended;

Read third time and passed.

A bill to be entitled an act to repeal the fourth section of an act, requiring the Commissioner of the General Land Office to issue patents upon unconditional headright certificates for land, approved May 12th, 1846.

Read and passed to a third reading, and

On motion of Mr. Dancy, the rule was suspended, bill read third time and passed.

On motion of Mr. Gage, the Senate refused to concur in the amendment of the House to "A bill to be entitled an act to provide for permanently fixing the seat of justice of the county of Dallas."

On motion of Mr. Fitzgerald, the Senate refused to concur in the amendment of the House to a bill to be entitled an act to establish the county seat of Cameron county.

Messrs. Fitzgerald, Navarro and Dancy were appointed a committee of conference on the above bill.

A message was received from the House of Representatives, informing the Senate, that the House had passed a bill to be entitled an act supplementary to an act entitled an act to establish the Judicial districts of the several district courts.

Mr. Wallace moved to reconsider the vote of yesterday, refusing to pass a bill to be entitled an act to incorporate the Colorado and Brazos Railroad Company.

On motion of Mr. Gage, the motion was laid upon the table.

A bill to be entitled an act, making appropriations for the support of the Government for the years 1848 and 1849.

Read first time, and

On motion of Mr. Gage, the rule was suspended, bill read second time, and referred to the Committee on Finance.

A bill to be entitled an act to apportion the Senators and Representatives of the Legislature among the several counties of this State.

Read first time, and,

On motion of Mr. Parker, the rule was suspended, and bill read second time.

Mr. Wallace offered a substitute for the bill.

On motion of Mr. Parker, the bill and substitute were referred to the Committee on Apportionment, Privileges and Elections.

A bill to be entitled an act to provide for the organization of new counties.

Read second time, and,

On motion of Mr. Parker, referred to the committee on Apportionment, Privileges and Elections.

On motion of Mr. Dancy, a bill to be entitled an act appropriating certain fines and forfeitures, was taken up and read.

Mr. Dancy offered the following amendments—

Strike out all of section 1 after the word "be," in line 3, and insert in lieu thereof the words, "paid into the county treasury of the county in which such fines and penalties may be imposed or forfeitures may take place, to be under the control of the county court."

In section 2d strike out the word "above," in the last line, and add to that line the words "by the county court."

Adopted.

The bill then passed to a third reading.

On motion of Mr. Perkins, the rule was suspended, bill read third time and passed.

On motion of Mr. Dancy, a bill to be entitled an act regulating ferries, was taken up, and placed among the orders of the day.

On motion of Mr. Parker, a bill to be entitled an act to fix the times of holding the district courts in the ninth Judicial District, was taken up and read, together with the report of the special committee, offering a substitute therefor.

Report adopted, and bill passed to a third reading.

On motion of Mr. Parker the rule was suspended, bill read third time and passed.

Joint resolution, requesting John C. Watrous to resign his office as Judge of the United States District Court for the District of Texas.

Read second time and ordered to be engrossed.

On motion of Mr. Navarro, a bill to be entitled an act to secure to the colonists of Fisher and Miller's colony, the lands to which they may be entitled, was taken up and read, together with the report of the committee on the Judiciary, offering a substitute therefor.

Report adopted, and bill passed to a third reading.

On motion of Mr. Jewett, a bill to be entitled an act for the benefit of persons who settled in W. S. Peters and his associates' colony, together with the report of the committee on State Affairs, offering amendments, was taken up and read.

Report adopted, and bill ordered to be engrossed.

On motion of Mr. Brashear, the Senate adjourned until 3 o'clock, p. m.

3 o'clock, P. M.

Senate met; roll called; quorum present.

Mr. Dancy, chairman of the committee on State Affairs, made the following report:

The committee on Affairs of State, to whom was referred "Joint resolutions relative to frontier protection, and the opening a national road from Galveston or Matagorda Bay, to the Pacific Ocean," and "Resolutions of the citizens of Fayette county on the same subjects," have maturely considered the same and instructed me to report:

That the committee on Indian Affairs have made a report on the subject of frontier protection, and that the Senate has acted thereon, with regard to a national road from either of the bays mentioned, to the Rio Grande; it is properly a State project, and it would not be in accordance with our Democratic principles, to throw our influence into the scale of the internal im-

provement party, by making requests which might induce them to believe that we would go with them to carry out their schemes, if they would make it our interest to do so. From the Rio Grande to the Pacific the project is truly national, and the United States should open the road as soon as a survey of the country can be made and the best route ascertained. This would afford the people of the Southern States facilities for communicating with their countrymen on the Pacific, across a territory which has fallen into the hands of the United States by the fortunes of war. It will cause the settlements on the western coast of America to advance much more rapidly than they can do without such a road as we desire to see opened. The outlay would be but a trifle when compared to the results of such an improvement. The establishment of a line of posts from Red River to the Rio Grande as already recommended to the Senate, and the completion of a road from the station on the Rio Grande to the Pacific would secure a regular intercourse between the citizens on the navigable waters of the Mississippi and the Californias. Believing that the United States Congress will, at a glance, see the importance of the work to the country, the committee have agreed to report a joint resolution by way of substitute and recommend its adoption, and passage as adopted.

JON W. DANCY, Chairman.

Which report was adopted, and

Joint resolution, relating to a national road from the Rio Grande to the Pacific.

Read second time and ordered to be engrossed.

A bill to be entitled an act to detect fraudulent land certificates, passed at the fifth Congress of the Republic of Texas.

Read third time and passed.

A bill to be entitled an act to provide for deductions from the salaries of Judges of the Supreme and District Courts and District Attorneys of this State, who may neglect the performance of certain duties assigned them by law.

Read third time.

Mr. Perkins moved the indefinite postponement of the bill, upon which the yeas and nays were called, and stood thus:

Yeas—Messrs. Abbott, Cuny, Fitzgerald and Perkins—4.

Nays—Messrs. Brashear, Burleson, Clark, Dancy, Gage, Grimes, Jewett, McRae, Navarro, Parker and Wallace—11.

Lost.

The Bill then passed.

A bill to be entitled an act to regulate proceedings in the county courts, relating to guardians and wards.

Read second time, and,

On motion of Mr. Jewett, referred to the committee on the Judiciary.

A bill to be entitled an act to prevent burning the woods and prairies, passed to a third reading.

On motion of Mr. Jewett, the rule was suspended, bill read third time and passed.

Mr. Grimes, chairman of the committee on Finance, made the following report:

The Finance committee, to which was referred "a bill to be entitled an act requiring the Attorney General to attend to certain causes in the District Courts, and providing compensation for the extra services required," have had the subject under consideration.

Impressed with the importance of having the interests of the State ably managed in the District Courts, where all suits emanate, where rights and interests of vast importance to the State are involved. Your committee report the bill and recommend it to the favorable consideration of the Senate, with the following amendments:

In sec. 1, line 2, strike out "John W. Harris."

In sec. 2, line 3, strike out "said John W. Harris, the."

Report adopted.

Mr. Dancy moved to amend by adding an additional section—

Section 3d. That the certificates which may be issued in compliance with the provisions of this act shall be conditional certificates, and patents shall not be issued thereon, until the services herein specified shall be rendered, after which time unconditional certificates may be issued in lieu of such conditional certificates: Provided, That such unconditional certificates may be issued in proportion to the services rendered: And, provided further, That locations made by virtue of such

conditional certificates, shall be valid so far as to be protected against other locations, until the services be rendered, or until further action by the Legislature."

Adopted.

The bill was then ordered to be engrossed.

A bill to be entitled an act to give each corporate county in this State, its own county surveyor, map and records, was read.

Mr. Jewett moved to amend by inserting after "May" in first section, "if the court deem it inexpedient."

Adopted.

Mr. Fitzgerald offered the following amendment:

"Provided, That the Land District composed of the counties of San Patricio and Nueces be exempted from the provisions of this act.

Adopted.

The bill then passed to a third reading.

On motion of Mr. Gage, the rule was suspended.

Bill read third time and passed.

A message was received from the House of Representatives, informing the Senate that the House had passed

A bill to be entitled an act to amend the 11th section of an act supplementary to an act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants.

A bill to be entitled an act providing for the payment of jurors, was read, and passed to a third reading.

A bill to be entitled an act to define the boundaries of Comal county, together with the report of the Committee on Counties and County Boundaries, offering amendments thereto, was read, and report adopted.

On motion of Mr. Navarro, the bill was indefinitely postponed.

A bill to be entitled an act to amend the first section of an act, supplementary to an act, regulating the sale of runaway slaves, approved January 5th, 1841, was read, and

On motion of Mr. Gage, laid upon the table.

On motion of Mr. Dancy, the motion to reconsider the vote which refused to pass a bill to be entitled an act to incorporate the Colorado and Brazos Railroad Company, was taken up, and vote re-considered.

The yeas and nays were then called on the final passage of the bill and stood as follows:

Yeas—Messrs. Abbott, Brashear, Cuny, Dancy, Fitzgerald, Jewett, McRae, Navarro, Perkins and Wallace—10.

Nays—Messrs. Clark, Gage, Grimes and Parker—4.

So the bill passed.

A bill to be entitled an act to incorporate Cherokee Academy, in the town of Rusk, in the County of Cherokee, together with the report of the committee on Education thereon, offering amendments, was read.

Report adopted, and bill passed to a third reading.

On motion of Mr. Brashear, the rule was suspended.

Bill read third time and passed, by the following vote :

Yeas—Messrs. Abbott, Brashear, Clark, Cuny, Dancy, Gage, Grimes, Fitzgerald, Jewett, McRae, Navarro, Parker, Perkins and Wallace—14.

Nays—None.

A bill to be entitled an act authorizing the Galveston City Company to change the plan of a certain block of lots in the city of Galveston, and authorizing the city and county authorities to use one of the public squares of said city for city and county buildings.

Read second time, and passed to a third reading.

On motion of Mr. Dancy, a bill to be entitled an act for the relief of Michael Short was taken up.

Read, and passed to a third reading.

Mr. Fitzgerald moved that additions be made to the committee on Apportionment, Privileges and Elections.

Carried.

On motion of Mr. Fitzgerald, the Senate adjourned.

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